

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Bail Appl..No. 2032 of 2015

CRIME NO. 257/2015 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

**MUHAMMED ALI, AGED 54 YEARS,
S/O LATE T.H. BAVA, C-30, FIRST FLOOR,
PENTA MENAKA, SHANMUGHAM ROAD, ERNAKULAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031 (CRIME NO. 257/2015 OF
CENTRAL POLICE STATION,
ERNAKULAM DISTRICT).**
- 2. STATION HOUSE OFFICER,
CENTRAL POLICE STATION,
ERNAKULAM DISTRICT-682 031
(CRIME NO.257/2015 OF CENTRAL POLICE STATION,
ERNAKULAM DISTRICT).**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

B.A. No.2032 of 2015

Dated this the 21th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 354 and 377 of the Indian Penal Code.

3. The prosecution case is that he sexually abused his daughter.

4. Heard.

5. The Petitioner is aged 54 years and the victim 21 years. The alleged incident happened at his shop at Penta Menaka, Ernakulam and another shop at Kalamassery and at a public place on the Shanmugam road in Ernakulam town. The first information was given on 14.02.2015. The incident allegedly happened in 2005. The learned counsel submits that since 2006 the petitioner has been living separately from his wife and the victim and there are a number of litigations between them. It is not proper to make any comments about the merits of the prosecution case in this proceedings. But as there are

some suspicious circumstances, I am inclined to grant the prayer of the petitioner for anticipatory bail.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer for interrogation if he is so required by him in writing.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall not destroy or tamper with the evidence.

6. He shall not harass the defacto complainant or her relatives.

7. He shall not contact or communicate with the victim.

8. He shall surrender his passport before the lower court concerned of if he does not have one, he shall file an

affidavit to that effect within five days of his release.

9. He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioner surrenders before the Magistrate this order is not applicable and the learned magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge